

R307-405-2

2. Title: Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability.

3. Type of notice: Amend

4. Purpose of the rule or reason for the change:

This rule change updates the version of 40 CFR that is incorporated in R307-405. The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference in R307-405. Two amendments have been made to 40 CFR 52.21 since July 1, 2007, the current incorporated version.

6. Summary of the rule change:

Update the incorporation by reference of the 40 CFR to July 1, 2008. Changes to 40 CFR 52.21 include the exclusion of ethanol production facilities from the definition of chemical process plants, and a clarification in the recordkeeping requirements for a modification where there is a “reasonable possibility” that the change would result in a significant increase of any regulated New Source Review (NSR) pollutant.

7. Aggregate anticipated cost or savings to:

a. State budget:

No cost or savings are anticipated with this rule change. No new requirements were created with this rule change.

b. Local government:

No cost or savings are anticipated with this rule change. No new requirements were created with this rule change.

c. To Small Businesses and Other Persons:

Small Business: No cost or savings are anticipated with this rule change. No new requirements were created with this rule change. Other Persons: A possible savings may accrue due to the removal of ethanol production facilities from the definition of chemical process, which will remove ethanol production facilities from the PSD permitting program.

8. Compliance costs for affected persons:

No cost is anticipated with this rule change. No new requirements were created with this rule change.

9. Comments by the Dept head on the fiscal impact the rule may have on businesses:

No cost is anticipated with this rule change. No new requirements were created with this rule change. A possible savings may accrue due to the removal of ethanol production facilities from the definition of chemical process, which will remove ethanol production facilities from the PSD permitting program. (Rick Sprott, Executive Director)

10. Authorizing statute: 19-2-104

11. Materials incorporated by reference? 40 CFR 52.21

12. Public comment and hearing info:

Comment dates: 11/1-12/1/2008

Hearing date: no

13. May become effective on: 1/7/2009

14. Keywords: air pollution, PSD, Class I area